

## CHAPTER 8

### LODGING, RECREATION ESTABLISHMENT, FOOD PROTECTION, AND TATTOO AND BODY PIERCING ESTABLISHMENTS ORDINANCE

#### Table of Contents

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<b>8.01 Authority and Purpose</b>
<b>8.02 Applicability</b>
<b>8.03 Definitions</b>
<b>8.04 License and Permit</b>
<b>8.05 Application</b>
<b>8.06 Fees</b>
<b>8.07 Permit Public Display</b>
<b>8.08 Enforcement</b>
<b>8.09 Regulations, Rules and Laws Adopted by Reference</b>
<b>8.10 Violation-Penalties</b>

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**8.01 Authority and Purpose.** This Chapter is adopted pursuant to the authority provided by Sec. 251.04(3), Wisconsin Statutes, to protect and improve public health. Sections 97.41, 97.615 and 463.16 of the Wisconsin Statutes authorize Vilas County Health Department to be designated as an Agent of the Department of Agriculture, Trade and Consumer Protection and the Department of Safety and Professional Services for the purpose of establishing annual fees; issuing permits; inspecting or investigating food service establishments, retail food establishments, lodging, public pools, campgrounds, recreational and/or educational camps, food vending, tattooing and/or body piercing establishments; and enforcing State Law governing these establishments; and enactment of local regulations governing these establishments which may be stricter than State Law.

**8.02 Applicability.** The provisions of this Chapter shall apply to the owner, operator, or person in charge of any and all food service establishments, retail food establishments, hotels, motels, bed and breakfasts, tourist rooming houses, campgrounds, recreational and/or educational camps, public pools, food vending machines and food vending commissaries, tattooing and/or body piercing establishments in all areas of Vilas County.

**8.03 Definitions.** The following definitions shall be applicable in this Chapter:

**(1) Statutory Definitions.** In addition to those definitions set forth expressly hereinafter, all definitions set forth in Wisconsin Statutes, Chapters 93, 97, 125, 251, 252, and 463; Ch. ATCP 72, 73, 74, 75, 75 Appendix, 76, 78, and 79; and SPS 221, 381-386 and 390-391, Wisconsin Administrative Code, are incorporated herein by reference and shall be construed, read and interpreted as if set forth herein until amended and then shall apply as amended.

**(2) Annual Permit Fee.** A fee charged annually for operating any establishment regulated under this chapter.

**(3) Health Department.** The Vilas County Health Department.

**(4) Pre-inspection fees.** A fee for plan review or change of ownership of an existing establishment offered within a six month period from the date of permit application and prior to the issuance of a permit to persons intending to operate an establishment as defined in Section 8.01 of this Chapter.

**(5) Re-inspection Fees.** A fee for any subsequent inspections necessary to achieve compliance with the statutes and administrative codes that govern operation of the establishment or practitioner.

#### **8.04 License and Permit.**

(1) No person shall operate a food service establishment, retail food establishment, hotel, motel, bed and breakfast, tourist rooming house, campground, recreational and/or educational camp, public pool, tattooing and/or body piercing establishment without first obtaining a permit from the Health Department. Permits shall be issued on an annual basis, commencing with July 1<sup>st</sup> and ending on the following June 30<sup>th</sup>. Each such permit shall expire on June 30<sup>th</sup> of each year following their issuance except that permits initially issued during the period beginning on April 1<sup>st</sup> and ending June 30<sup>th</sup> shall expire June 30<sup>th</sup> of the following year. The issuance of a permit may be conditioned upon the owner or operator correcting a violation of this Chapter within a specified time frame to be determined by the Health Department. If the condition is not met within the specified time, the permit shall be voided. The permit shall not be transferable to another location or operator except as provided in Wis. Stat. 97.30, 97.605(4)(b), 97.67(2)(a) and ATCP 75.104(3).

(2) No permit shall be granted to any person under this Chapter without a pre-inspection by the Health Department of the premises for which the permit is requested.

(3) No permit shall be issued or renewed until all application fees, inspection fees, re-inspection fees, violation penalty forfeitures, and citations for violations of this Chapter have been paid.

**8.05 Application.** Applications for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department stating the name and address of the proposed applicant and operator, and such other information as may be required. The Health Department shall either approve or deny the application within thirty (30) days after receipt of a complete application.

**8.06 Fees.** Fees for the issuance of permits, the making of investigations, inspections, training and technical assistance to establishments covered pursuant to this Chapter are hereby established through the attached Fee Schedule, subject to amendment from time to time, upon the recommendation of the Vilas County Board of Health. In addition, pre-inspection fees are hereby established with respect to new establishments or existing establishments that have been transferred to a new owner. The fees include any corresponding State fees, which shall be paid to the State by the County when collected. If any State fee is increased, the Board of Health shall increase the corresponding fee under this Chapter by the same amount without County Board approval.

**8.07 Permit Public Display.** All licensees shall post their license in plain view on the premises for which the permit is issued. It shall be posted for the duration that the permit is in force.

#### **8.08 Enforcement.**

(1) The provisions of this Chapter shall be administered by or under the direction of the Health Officer of the Health Department, who in person or by duly authorized representatives, shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records, or obtain photographic or other evidence needed to enforce this Chapter.

(2) **DENIAL, SUSPENSION OR REVOCATION OF LICENSE.** The Health Officer, or designee, may deny any license application or suspend or revoke any license issued under this chapter for non-compliance with this code or any other state or county law. The following procedure shall be followed in the

denial, suspension or revocation of any license issued under this chapter:

(a) A decision by the Health Officer to deny, suspend or revoke a license shall be in writing and shall state with specificity the reasons for the Health Officer's decision and shall state any and all applicable statutes, ordinances, rules, regulations or orders which may have been violated. The Health Officer shall send to the licensee a copy of the written decision by mail or by personal service. Said notice shall inform the licensee or applicant of the right to have this decision reviewed and the procedure for such review.

(b) A licensee or applicant aggrieved by a decision of the Health Officer to deny, suspend or revoke a license must send a written Request for Reconsideration to the Health Officer within 30 working days of receipt of the notice of the Health Officer's decision. The Request for Review and Reconsideration shall state the grounds upon which the person aggrieved contends that the decision should be reversed or modified.

(c) Within 15 working days of receipt of the Request for Review and Reconsideration, the Health Officer shall review its initial determination. The Health Officer may affirm, reverse or modify the initial determination. The Health Officer shall either mail or deliver to the licensee or applicant a copy of the Officer's decision on review, and shall state the reasons for such decision. The decision shall advise the licensee or applicant of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom Notice of Appeal shall be filed.

(d) A licensee or applicant who wishes to appeal a decision made by the Health Officer on review must file a notice of appeal within 30 days of receipt of the Health Officer's Decision on review. The Notice of Appeal shall be filed with or mailed to the Health Officer. The Health

Officer shall subsequently file said Notice with the Chairman of the Vilas County Board of Health.

(e) A licensee or applicant shall be provided a hearing on appeal within 15 days of receipt of the Notice of Appeal. The Health Officer shall serve the licensee or applicant with notice of hearing by mail or delivery at least 10 days before the hearing.

(f) The hearing shall be conducted before the Vilas County Board of Health and shall be conducted in accordance with the procedures outlined in Chapter 68 of the Wisconsin Statutes.

(g) Within 20 days of the hearing, the Vilas County Board of Health shall mail or deliver to the applicant its written determination stating the reasons therefore.

(h) **OPERATING WITHOUT A LICENSE.** Any person who shall operate without a license as required above shall be subject to a forfeiture. Ongoing violations of operating without a license may be subject to forfeitures for each day in which the person continues to operate without a license. Penalties will be determined by the Vilas County Board of Health.

**8.09 Regulations, Rules and Laws Adopted by Reference.** The applicable laws, rules and regulations as set forth in Chapters 66.0417, 68, 93, 97, 125, 227.51, 251, 252, and 463 of the Wisconsin Statutes, and Chapters ATCP 72, 73, 74, 75, 75 Appendix, 76, 78, 79, and SPS 221, 381-386, and 390-391 of the Wisconsin Administrative Code are incorporated in this regulation by reference and they shall be construed, read, and interpreted, as fully set forth by reference and they shall be construed, read, and interpreted as fully set forth herein until amended and then shall apply as amended. The express provisions of this Chapter shall control where more restrictive.

**8.10 Violations-Penalties.** Any person who violates any of the provisions of this Chapter for which a specific penalty is not prescribed shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000) or imprisoned for not more than 6 months, for the first offense; and for each subsequent offense, fined not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000), or imprisoned for not less than Thirty (30) days nor more than one year in the county jail or both. Where appropriate, injunctive relief may be sought by the Health Department.